

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 46 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-18-12-8 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) If a person who
- 6 operates a publicly or privately owned wastewater treatment
- 7 plant:
- 8 (1) discovers that a contaminant has entered the wastewater
- 9 treatment plant that would pose a threat to human health or
- 10 animal life if the contaminant is not effectively treated before
- 11 the contaminant is discharged into the waters of Indiana;
- 12 and
- 13 (2) determines the wastewater treatment plant is not able to
- 14 effectively treat the contaminant;
- 15 the person must notify the department of the presence of the
- 16 contaminant at the wastewater treatment plant not more than
- 17 twenty-four (24) hours after the person determines the wastewater
- 18 treatment plant is not able to effectively treat the contaminant.
- 19 (b) If the department receives notification from a wastewater
- 20 treatment plant under subsection (a), the department must:
- 21 (1) notify all appropriate state and local government
- 22 agencies; and
- 23 (2) begin notifying members of the public who would be
- 24 adversely affected by a discharge of the contaminant into the
- 25 waters of Indiana;
- 26 not more than forty-eight (48) hours after receiving the notification
- 27 under subsection (a).

1 SECTION 2. IC 13-30-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person
3 who intentionally, knowingly, or recklessly violates:

- 4 (1) environmental management laws;
- 5 (2) air pollution control laws;
- 6 (3) water pollution control laws;
- 7 (4) a rule or standard adopted by one (1) of the boards; or
- 8 (5) a determination, a permit, or an order made or issued by the
- 9 commissioner under environmental management laws or IC 13-7
- 10 (before its repeal);

11 commits a Class D felony.

12 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
13 a Class D felony under this section (or IC 13-7-13-3(a) before its
14 repeal) may, in addition to the term of imprisonment established under
15 IC 35-50-2-7(a), be punished by:

- 16 (1) a fine of not less than ~~two five thousand five hundred~~ dollars
17 (~~\$2,500~~) (**\$5,000**) and not more than ~~twenty-five fifty~~ thousand
18 dollars (~~\$25,000~~) (**\$50,000**) per day of violation; or
- 19 (2) if the conviction is for a violation committed after a first
20 conviction of the person under this section (or IC 13-7-13-3(a)
21 before its repeal), a fine of not more than ~~fifty one hundred~~
22 thousand dollars (~~\$50,000~~) (**\$100,000**) per day of violation.

23 SECTION 3. IC 13-30-6-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person
25 who knowingly:

- 26 (1) transports any hazardous waste to a facility that does not
27 have an operation permit or approval to accept the waste;
- 28 (2) disposes, treats, or stores any hazardous waste without
29 having obtained a permit for the waste; or
- 30 (3) makes a false statement or representation in an application,
31 a label, a manifest, a record, a report, a permit, or other
32 document filed, maintained, or used under environmental
33 management laws with regard to hazardous waste;

34 commits a Class D felony.

35 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
36 a Class D felony under this section may, in addition to the term of
37 imprisonment established under IC 35-50-2-7(a), be punished by:

- 38 (1) a fine of not more than ~~twenty-five fifty~~ thousand dollars
39 (~~\$25,000~~) (**\$50,000**) for each day of violation; or
- 40 (2) if the conviction is for a violation committed after a first
41 conviction of the person under this section, IC 13-30-6-1,
42 IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not
43 more than ~~fifty one hundred~~ thousand dollars (~~\$50,000~~)
44 (**\$100,000**) per day of violation.

45 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **IC 13-30-6-1,**
46 **as amended by this act, applies only to a violation occurring after**
47 **the effective date of the amendment to IC 13-30-6-1 made by this**
48 **act.**

49 (b) **IC 13-30-6-3, as amended by this act, applies only to a**
50 **violation occurring after the effective date of the amendment to**
51 **IC 13-30-6-3 made by this act.**

1 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this
 2 SECTION, "Department" refers to the department of
 3 environmental management.

4 (b) The department shall prepare a report that includes a
 5 complete list of all events of contamination of waters of the state,
 6 since January 1, 1988, in which fish or other aquatic species were
 7 killed and in which civil penalties were imposed under IC 13-30-4
 8 (or under the law that governed the imposition of civil penalties
 9 before the enactment of IC 13-30-4), including the following:

- 10 (1) a description of the contamination event;
- 11 (2) the date the contamination event occurred;
- 12 (3) the entity on which the civil penalty was imposed;
- 13 (4) the total amount of the civil penalty imposed;
- 14 (5) the amount per day or per hour of the civil penalty
- 15 imposed;
- 16 (6) description of plans for restoration of the contaminated
- 17 site; and
- 18 (7) the department's recommendations for changes in
- 19 statutes, rules, or procedures and practices of the
- 20 department to:
- 21 (A) reduce the probability of contamination events in
- 22 the future; and
- 23 (B) improve the timeliness and efficiency of protocols
- 24 and procedures for notice to affected entities if such an
- 25 event occurs in the future.

26 (c) Before August 1, 2000, the department shall deliver the
 27 report described in subsection (b) to:

- 28 (1) the executive director of the legislative services agency
- 29 for distribution to members of the legislative council;
- 30 (2) the environmental quality service council;
- 31 (3) the governor; and
- 32 (4) the lieutenant governor.

33 (d) The environmental quality service council shall:

- 34 (1) study the report delivered to it under subsection (c); and
- 35 (2) make recommendations to the general assembly before
- 36 January 1, 2001.

37 SECTION 6. An emergency is declared for this act."

38 Renumber all SECTIONS consecutively.

(Reference is to ESB 46 as printed February 18, 2000.)

Representative LUTZ J